

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #150  
09/19/05**

**MEMBERS PRESENT:** Chairman Ted Sutton, Vice-Chairman Charles Niebling, Linda Thomas, Robert Hickey, Debra Hale  
Ryan Bielagus, David Collins

**MEMBERS NOT PRESENT:** Raymond Donald, Robert Duval, John MacDonald

**NHDES – ARD PERSONNEL:** Robert Scott, Anne Keach, Craig Wright, Michael Fitzgerald, Barbara Hoffman, Thomas Niejadlik, Brian Jennison, Joanne Morin, Richard Rumba, Dennis Pinski, David Larson

**OTHER INTERESTED PARTIES:** Not Present

**Call to Order:**

Chairman Sutton called Meeting #150 of the Air Resources Council (ARC) to order at 9:10 a.m. on July 18, 2005. Chairman Sutton announced that a quorum was present. Chairman Sutton introduced Dr. Robert Hickey, an Allergist and asthma specialist from the Portsmouth area. Dr. Hickey was recently appointed by the Governor and Executive Council to the Air Resources Council as the Licensed Practicing Physician At Large.

**Approval of Minutes:**

Linda Thomas entered a motion to accept the minutes of meeting #149. Debra Hale seconded the motion. All present were in favor. The minutes of meeting #149 were accepted by the ARC.

**Division Activities:**

Chairman Sutton introduced Robert Scott, Director of the Air Resources Division (ARD). Mr. Scott announced the following upcoming activities:

- Regional Greenhouse Gas Initiative (RGGI) Staff Working Group Proposal which affects the following sources:
  - Power plants  $\geq$  25 MW (fossil fuel only)
    - PSNH MK1, MK2, NT1, SR4, SR5, and SR6
    - Granite Ridge (Londonderry)
    - Newington Energy(Affiliated with ConEd)
  - Other non-affected sources may qualify for set-aside allowances
- Package proposal elements include
  - Program start date & 2015 review
  - Reduction goals
  - Cap levels
  - Size of set-aside
  - Allocation method
  - Offsets

Director Scott invited members of the Air Resources Council to attend the 'Advancing the Choice', Energy Security, Economic Security and Climate Change Seminar scheduled for October 14, 2005 at the Gunstock Ski Area in Guilford, NH. The conference topics include:

- Beyond a Billion – Keynote speaker Robert Varney, US EPA Region I Administrator will announce that one billion gallons of petroleum have been displaced by the Clean Cities program nationwide.

- Energy Security, Economic Security, and Climate Change – a panel with Greg Pahl, author of Biodiesel. Growing a New Energy Economy
- Future of Clean Transportation
- Saving Energy... Business Profiles
- A Biodiesel from Waste Grease Demonstration & Discussion

### **Legislative Issues:**

Director Scott outlined the following legislative activities that the Air Resources Division has been involved in during the 2005 Session:

- Senate Bill 128 – Relative to Emissions Reduction Standards as required by the Clean Power Act, which seeks to establish specific caps for mercury as well as establishing a further request to carbon dioxide (CO<sub>2</sub>) emissions reductions from affected fossil fuel burning power plants in New Hampshire – Retained in Committee
- House Bill 517 – Relative to establishing a committee to study criteria issues relative to construction and demolition waste and to establishing a moratorium on the incineration of any construction and demolition waste.

### **Division Update**

Director Scott outlined the following organizational changes within the Air Resources Division as follows:

- **Env-A 4200, Architectural and Industrial Maintenance Coatings (AIM Rule)** – Explored DOT and Sherwin Williams concerns, ready for formal presentation to the ARC at the next regularly scheduled meeting
- Small Business Technical Assistance and OSHA Programs being moved from the ARD to the Office of the Commissioner
- Bureau of Environmental and Occupational Health moved to the ARD Stationary Source Management Unit
- Health Risk Assessment/Radon/Indoor Air Quality Unit (formerly of DHHS) moved to the Stationary Sources Management Bureau, Planning Section

### **Overview of Environmental Health and Modeling Section**

Chairman Sutton introduced Dennis Pinski, Supervisor of the Health Risk Assessment Unit. Mr. Pinski provided members of the ARC with an overview program activities including:

#### **Toxicology Section**

Development of Regulatory Standards for Hazardous Chemicals

- Air
- Water
- Soil

Issuance and Communication of Public Health Guidance

Toxicological Review for Chemical Hazards

Fish Consumption Advisory Monitoring

Chemical Emergency Preparedness Planning

Human Health Risk Assessment

Hazardous Waste Sites (NPL and non-federal)

Drinking Water

- Health risk assessments of private drinking water supplies
- Health information summaries

### **Risk Characterization Management Policy (RCMP)**

- Health effects information and recommendations associated with exposure to toxic chemical in the environment, commercial products, consumer items
- Cancer/Disease Cluster investigations (environmental factors)
- Consultations – Chemical Releases/Emergency Events
- Air Quality Action Days (respiratory health effects)

### **Radon/Indoor Air**

- Radon Hazard Evaluation and Mitigation
- Voluntary Radon Testing Program
- Residential Indoor Air Quality Evaluation
- State Owned/Leased Office Buildings

### **Proposed Amendments to Env-A 101.211, Definition of “VOC”:**

Brian Jennison of the Technical Services Bureau provided members of the ARC with the proposed change to the definition of Volatile Organic Compound. Mr. Jennison explained that this definition which includes ***“The term does not include any organic compound that the administrator of the EPA designates in 40 CFR 51.100(s) as having no or negligible photochemical reactivity”***, will also be used in Env-A 4100 to be consistent and stated that the proposed changes will make the definition the same as that currently used by the EPA.

Vice-Chairman Niebling entered a motion to accept the proposed revision to Env-A 101.211 for review by members of the ARC. David Collins seconded the motion. All present were in favor. Chairman Sutton instructed members of the ARC to contact Vice-Chairman Niebling with any comments on the proposed rule within fifteen (15) days.

### **Revisions to Env-A 1400, Regulated Toxic Air Pollutants:**

Rick Rumba, of the Stationary Source Management Bureau presented members of the ARC with proposed revisions to Env-A 1400. Mr. Rumba explained that every year, as required by RSA 125-I:4, DES proposes changes to the table of regulated toxic air pollutants (RTAPs) and their ambient air limits (AALs), based on changes made to the list of chemical substances by the American Conference of Governmental Industrial Hygienists (ACGIH). The NHDES is proposing to adopt amendments based on ACGIH changes made in 2005.

AALs for existing RTAPS were modified for 9 substances, all based on changes made by the ACGIH to the occupational exposure limits. In addition, three existing borate compounds are proposed to be redefined as four: sodium tetraborate, borax, boric acid, and sodium borate pentahydrate. Wood dust is proposed to be expanded from two existing categories (hard wood and soft wood) to four; western red cedar; oak and beech; birch, mahogany; teak; walnut; and all other species.

Mr. Rumba stated that de minimis values for wood dust are exempt if the source has a bag house.

Dr. Hickey asserted that western red cedar is one of the highest asthma irritants in humans.

David Collins entered a motion to accept the revisions to Env-A 1400. Vice Chairman Niebling seconded the motion. All present were in favor. Chairman Sutton instructed members of the ARC to contact Vice-Chairman Niebling with any comments on the proposed rule within fifteen (15) days.

### **RSA 21-O:11, Air Resources Council:**

Members of the ARC discussed submitting a Legislative Services Request to expand the language in the RSA to read: “...one of whom shall be a licensed practicing physician, ***or other health care professional with expertise in public health.***”

ARC members disputed that the language should be broadened, although they prefer to have a licensed practicing physician serve, a health care professional with expertise in public health in the event that no physician is available to serve would benefit the membership of the ARC and the citizens of New Hampshire.

Vice-Chairman Niebling entered a motion to recommend that the Air Resources Division seek an LSR to effectuate the revision in the language of RSA 21-O:11. Ryan Bielagus seconded the motion. David Collins opposed, all others were in favor. Motion carried.

**Education and Outreach Activities:**

Kathleen Brockett provided members of the ARC with an overview of recent and ongoing public education and outreach activities the ARD is involved in. These activities include:

- Display at Seacoast Science Center
- Message Board at Pack Monadnock – Miller State Park
- Public Service Announcement (Anti-Idling, Ride Free – Breathe Free PSAs, Change a Light)
- Granite State Clean Cars

After Ms. Brockett's presentation, members of the ARC agreed to hold an informal meeting on October 17, 2005 to tour PSNH Schiller Station, the Seacoast Science Center and visit the air quality monitoring station located on Pierce Island.

**Other Business:**

Chairman Sutton scheduled an informal meeting of the ARC on October 17, 2005 to afford members an opportunity visit various points of interest in the seacoast area.

**Adjourn:**

Having no further business to discuss, Chairman Sutton entered a motion to adjourn. David Collin seconded the motion. All members present were in favor. Meeting #150 of the ARC adjourned at 11:00 a.m. on September 19, 2005.